

Town Council Meeting: 12 March 2012



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Call to Order: Acting Mayor Mandel called the meeting to order at 7:30 pm. Present were Councilmembers Petito and Wegner, Administrator Pratt, and residents George Martin, John and Liz King, Peter Benjamin, Harry Gordon, and Margaret Sultan of the *Bugle*.

Approval of Agenda: The revised agenda was approved as posted without objection.

Presentations by Residents: George Martin addressed Council as liaison from Holy Cross Parish regarding issues related to the rebuilding of the school, in particular, the matter of inadequate parking at the elementary school and the adverse effect this was having due to unauthorized use of the Holy Cross parking lot adjacent to the school's parking area. Mr. Martin reported that Holy Cross had initiated discussions with Montgomery County Public Schools (MCPS) about the possibility of MCPS leasing the un-improved portion of Holy Cross property lying between the parking lot and its access road and the Garrett Park boundary as a location for overflow parking. Mr. Martin noted that the suggestion was to install a pervious parking area, not a paved lot, and that he wanted the Town to be aware of the proposal. Acting Mayor Mandel thanked Mr. Martin for the update, noting that Holy Cross was a valued neighbor to the Town.

Mayor's Report: Acting Mayor Mandel stated that he had no report, but wanted to report that Mayor Keller had sent a letter to Delegate Sheila E. Hixson, Chair of the House Ways and Means Committee regarding House Bill 473, a bill that proposed preventing municipalities from allowing non-citizen residents to vote in their elections. The Acting Mayor noted that Councilmember Wegner had contributed to the content of the letter, thanking him and the Mayor for their excellent work, and directed that a copy of the letter be attached to the minutes of the meeting.

Councilmember's Reports on Areas of Responsibility: Councilmember Petito reported on the Parks and Open Space Committee (POSCO) meeting on Saturday where there was extended discussion concerning Program Open Space (POS) and the "strings" attached to grants made to the Town under that

program, and that the committee had decided that they did not want to pursue such a grant and would seek alternative sources of funding. Acting Mayor Mandel asked Councilmember Petito if the committee's concerns were justified. Councilmember Petito replied that he had reviewed the POS manual and that there are a number of requirements, mostly related to maintenance and continuation of the purpose the grant was intended to support or enhance. Acting Mayor Mandel asked about the growing problems related to the use of the Cambria Park ball field by outside organizations, some of which charged fees for participation. It was agreed that this issue should be discussed in more detail at the next Council meeting.

Public Hearing (Will commence at 8:05 PM):

- Variance Application 20120221-VA01: 4714 Argyle Ave.: Elizabeth & John King - Acting Mayor Mandel, noting it was 8:05 pm, called the hearing to order and asked Setback Advisory Committee (SAC) Harry Gordon to present the SAC report on the variance application (attached to these minutes). Mr. Gordon presented his report. There was brief discussion. Applicants Liz and John King distributed letters from neighbors in support and addressed the Council regarding their application noting that the small size of the house presented a growing hardship with two young kids, and Mrs. King's health issues. Mr. King noted that the lot has uncommon characteristics, which pose unusual practical difficulties, such as not easily accommodate an accessory building, so all storage must be in house, and is a small lot as defined in the Garrett Park Code. JM asks for clarification regarding the 30-foot setback.

Councilmember Petito **MOVED**

That the Council grant the variance to side setback and to lot coverage regulations, as requested by the applicant, and finds that the regulation of front setback does not apply in this case so that no variance as regards front setback is required. The motion was seconded by Councilmember Wegner and was **PASSED** unanimously.

Approval of Minutes:

- Councilmember Wegner **MOVED**

That the minutes of the 02/13/2011 Regular Council Meeting be approved as corrected. The motion was seconded by Councilmember Petito and was **PASSED** unanimously

Action/Discussion:

- Introduction of Ordinance 2012-02: The FY 2013 Operating & Capital Budget - Acting Mayor Mandel asked for a motion to place the introduction of the budget ordinance on the floor. Councilmember Petito **MOVED**

That Ordinance 2012-02 (attached to these minutes) be introduced as presented. Councilmember Wegner seconded the motion. Councilmember Petito noted that the Council needed to begin the discussion regarding how to pay for needed future capital programs and

suggested that at a meeting in the next month or two the Council start setting priorities and timing of capital items, and thoroughly review the issue of borrowing the needed funds vs. a pay as you go approach. Resident Peter Benjamin noted that the proposed ordinance had been brought into compliance with the Town's Charter as regards to the treatment of prior years' appropriations, and that he supported its introduction. Mr. Benjamin did note the need for a further review of budget policy as to the size of contingencies and reserves, issues raised in a number of memos to the Council from resident Ken Schwartz. The Council agreed that it was appropriate to review these policies at a future meeting. Acting Mayor Mandel called for the vote, and the motion to introduce ordinance 2012-02 was **PASSED** unanimously.

- Introduction of Amended Ordinance 2011-05: Amending and adopting an ordinance to amend Sections 402 and 403 of the Garrett Park Code (Public Hearing Scheduled for (04/09/2012)) - Acting Mayor Mandel asked for a motion to introduce the amended ordinance in order to get it on the floor for discussion.

Councilmember Wegner **MOVED**

That Ordinance 2011-05, as amended, be introduced as distributed to the Council by Councilmember Irons. Councilmember Petito seconded the motion. Councilmember Wegner noted there were two working sessions held by the Council and extensive discussion with the Town's lawyer, the SAC, the County Planning Board and DPS. There was extended discussion. Resident Peter Benjamin discussed a number of changes to the wording of a number of the listed exemptions for projections and the table of building elements. Councilmember Petito **MOVED**

That Ordinance 2011-05 as proposed for introduction as amended be further amended with changes to the wording under Section 402 (d) as follows:

(2) Open steps, stoops, exterior stairways, terraces, and porches may extend into any minimum side yard not more than 3 feet; except that for corner lots, open steps, stoops, exterior stairways, terraces, and porches may not extend into any minimum side yard facing the street.

(3) Steps, stoops, exterior stairways and terraces that extend into the minimum required yards may be roofed but must not be enclosed. Any roofed step, stoop, exterior stairway, or terraces may extend not more than 3 feet into minimum required yard.

(4) Any bay window, oriel, entrance, vestibule or balcony may project not more than 3 feet into such minimum front or rear yard.

(5) Cornices and eaves may project 2 1/2 feet or less over any yard.

(6) Sills, leaders, belt courses, and similar ornamental features may project not more than 6 inches over any minimum yard.

And that the table under Section 402 (e) be amended to replace the reference in the table of "Enclosed" steps, stoops, exterior stairways, and terraces to "Roofed." The motion to amend was seconded by Councilmember Wegner and was **PASSED** unanimously. Acting Mayor Mandel called for the vote on the motion to introduce amended Ordinance 2011-05 as further amended, and the motion was **PASSED** unanimously.

- Ratification of Mayoral Appointments to Committees - Acting Mayor Mandel noted that Mayor Keller had submitted the following nominations to the Council for ratification: Catherine Mitchell to the Archives Committee, Jenny Krivanek to the Arboretum Committee, and Stephen Paczkowski to the Historic Preservation Committee. Councilmember Wegner **MOVED**

That the Council ratify the Mayor's appointments to Town Committees. Councilmember Petito seconded the motion, which was **PASSED** unanimously.

- Capital Projects Update - Administrator Pratt reported that the Town's contractor, Cylos, Inc. had completed the Kenilworth sidewalks, curbs and gutters, and would be moving on to North Kenilworth on Monday, March 26th, and that storm drain repairs should start in mid-April.
- Authorization to Open a Business Savings Account at M&T Bank - Administrator Pratt requested authorization to open another savings account for the Town at M&T Bank, which was currently offering very attractive introductory rates for new accounts. Councilmember Wegner **MOVED**

That the Town Administrator be authorized to open an additional savings account for Town funds at M&T Bank, and that this was to be used in the same manner as other Town savings accounts. The motion was seconded by Councilmember Petito and was **PASSED** unanimously.

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the Council.

Adjournment: The meeting adjourned at 10:10 pm.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr.

Edwin Pratt, Jr., Clerk-Treasurer

From: Harry Gordon, Chair, Setback Advisory Committee

Date: March 6, 2012 9:15:25 AM EST

Subject: 4714 Argyle Avenue Variance Application - GP Setback Advisory Committee Report to Town Council

Background

The owners of 4714 Argyle Avenue have applied for a building permit and a variance for the renovation and expansion of the main building. The two applications were submitted together since it was determined that a building permit for the proposed construction could not be approved without a variance. The applicants are proposing to add a second floor to the existing main building and to modestly increase the lot coverage. This property is less than 8,600 SF and thus the variance will be reviewed in accordance with GP ordinance 403(c)(1.1.3), which stipulates that the exceptional characteristics standard of Section 403(c)(1.1) shall be deemed to have been met. There are aspects of the setback from the established building line and from the side property lines that also require review.

Analysis

A variance is required from the maximum lot coverage provision GP 402(b)(3), which establishes that the maximum percentage of the net lot area that may be covered by a main building is 18 percent. The proposed construction would result in a lot coverage of about 18.5 percent.

The Floor Area Ratio of the proposed construction would be less than 0.375 times the lot area, which conforms with GP 403(c)(1.2.1).

The existing main building is set back 26 feet from the front property line. The proposed second floor addition would be set back 30 feet from the front property line. The two adjacent properties have main buildings that do not front on Argyle Avenue and, based on MC ordinances, would not be included in the establishment of a building line that is greater than 30 feet. Since the GP ordinances do not address this condition, the SAC recommends that the MC ordinances should be accepted as they apply to this situation.

The lot is shaped like a parallelogram and the front of the existing main building is parallel to the front property line. Since the shape of the main building is orthogonal, the sides of the building are not parallel to the side property lines. This results in a variable setback along the building sides that would not strictly comply with setback lines drawn parallel to the side property lines and establishing a combined side setback of 25 feet. However, the

existing and proposed construction would, at any point along its width, be set back from each property line by at least 10 feet and the combined side setback would be at least 25 feet.

Conclusion

It is the conclusion of the SAC that the applicants have demonstrated that the small size and unusual shape of the lot are exceptional characteristics that should be considered for the potential issuance of a variance. Based on the GP variance ordinance, the applicants must also demonstrate that these exceptional characteristics result in a condition wherein the strict and literal application of the ordinances would result in peculiar or unusual practical difficulties to, or exceptional or undue hardship on, the owners.

Respectfully Submitted,

Garrett Park Setback Advisory Committee

TOWN OF GARRETT PARK

Proposed FY 2013 Budget

RECEIPTS	FY 2012		FY 2013		
	Current Budget	EOY Projection	Ord. 2012-02 Introduced 03/12/2012	Compared To FY 2012 Budget	% Change
<u>1000 - Taxes & Fees</u>	<u>\$772,175</u>	<u>\$807,175</u>	<u>\$702,600</u>	<u>(\$69,575)</u>	<u>-9.0%</u>
1100 -- Local Property Taxes	\$508,750	\$518,950	\$450,250	(\$58,500)	-11.5%
1110 -- Real Property Taxes	\$490,000	\$500,000	\$431,250	(\$58,750)	-12.0%
1120 -- Personal Property Taxes	\$17,850	\$18,050	\$18,000	\$150	0.8%
1170 -- Penalties & Interest	\$400	\$400	\$500	\$100	25.0%
1180 -- Homestead Tax Credit	\$500	\$500	\$500	\$0	0.0%
1200 -- Local Income Taxes	\$250,000	\$275,000	\$240,000	(\$10,000)	-4.0%
1300 -- Other Local Taxes	\$0	\$0	\$0	\$0	
1400 -- Licenses and Permits	\$13,425	\$13,225	\$12,350	(\$1,075)	-8.0%
 <u>2000 -- Intergov. Receipts</u>	 <u>\$52,640</u>	 <u>\$62,165</u>	 <u>\$33,050</u>	 <u>(\$19,590)</u>	 <u>-37.2%</u>
2200 -- From State of MD	\$10,000	\$19,525	\$8,000	(\$2,000)	-20.0%
2300 -- From Montgomery Co.	\$42,640	\$42,640	\$25,050	(\$17,590)	-41.3%
 <u>3000 - Services Charges</u>	 <u>\$130,250</u>	 <u>\$130,400</u>	 <u>\$130,200</u>	 <u>(\$50)</u>	 <u>-0.0%</u>
3100 -- General Gov. Charges	\$250	\$400	\$200	(\$50)	-20.0%
3200 -- Municipal Refuse Fees	\$130,000	\$130,000	\$130,000	\$0	0.0%
 <u>4000 - Fines & Forfeitures</u>	 <u>\$0</u>	 <u>\$0</u>	 <u>\$0</u>	 <u>\$0</u>	 <u>0.0%</u>
 <u>5000 - Miscellaneous Receipts</u>	 <u>\$133,635</u>	 <u>\$134,610</u>	 <u>\$134,135</u>	 <u>\$500</u>	 <u>-0.2%</u>
5100 -- Investment Earnings	\$3,300	\$3,525	\$2,500	(\$800)	-24.2%
5200 -- Rents and Concessions	\$120,185	\$120,935	\$123,835	\$3,650	2.4%
5210 -- Town Hall Rents	\$15,650	\$16,400	\$17,500	\$1,850	6.7%
5220 -- Penn Place Rents	\$102,225	\$102,225	\$103,785	\$1,560	1.5%
5230 -- Swimming Pool Assoc.	\$2,310	\$2,310	\$2,550	\$240	10.4%
5300 -- Contributions/Donations	\$10,000	\$10,000	\$7,500	(\$2,500)	-25.0%
5500 -- Sale of Property	\$150	\$150	\$300	\$150	100.0%
5900 -- Miscellaneous - Other	\$0	\$0	\$0	\$0	0.0%
Annual Operating Receipts:	\$1,088,700	\$1,134,350	\$999,985	(\$88,716)	-8.1%
 <u>9000 - Transfers In</u>	 <u>\$348,420</u>	 <u>\$358,609</u>	 <u>\$1,396</u>	 <u>(\$347,025)</u>	 <u>-99.6%</u>
Total Receipts:	\$1,437,120	\$1,492,959	\$1,001,380	(\$436,490)	-30.4%

TOWN OF GARRETT PARK

Proposed FY 2013 Budget

EXPENDITURES	FY 2012		FY 2013		
	Current Budget	EOY Projection	Ord. 2012-02 Introduced 03/12/2012	Compared to FY 2012 Budget	% Change
<u>10000 - Personnel</u>	<u>\$386,355</u>	<u>\$384,355</u>	<u>\$404,630</u>	<u>\$18,275</u>	<u>4.7%</u>
10100 -- Salaries	\$270,700	\$270,700	\$279,225	\$8,525	3.1%
10200 -- Overtime	\$5,000	\$5,000	\$5,000	\$0	0.0%
10300 -- Benefits	\$85,655	\$83,655	\$94,095	\$8,440	9.9%
10400 -- Payroll Taxes, Etc.	\$25,000	\$25,000	\$26,310	\$1,310	5.2%
<u>11000 - Town Administration</u>	<u>\$87,320</u>	<u>\$88,895</u>	<u>\$83,325</u>	<u>(\$3,995)</u>	<u>-4.6%</u>
11100 -- Elected/Appointed Officials	\$2,750	\$2,500	\$2,250	(\$500)	-18.2%
11200 -- Elections	\$1,225	\$1,225	\$1,400	\$175	14.3%
11300 -- Archives/Public Records	\$18,750	\$23,925	\$22,000	\$3,250	17.3%
11400 -- Gen. Administration Expenses	\$19,400	\$17,300	\$19,050	(\$350)	-1.8%
11700 -- Professional Fees	\$36,625	\$36,375	\$29,000	(\$7,625)	-20.8%
11800 -- Insurance	\$7,720	\$6,720	\$8,275	\$555	7.2%
11900 -- Town Admin. - Other	\$850	\$850	\$1,350	\$500	58.8%
<u>12000 - Sponsorships, Etc.</u>	<u>\$4,825</u>	<u>\$4,800</u>	<u>\$5,050</u>	<u>\$225</u>	<u>4.7%</u>
12100 -- Membership Dues	\$3,275	\$3,250	\$3,500	\$225	6.9%
12200 -- Sponsorships	\$1,300	\$1,300	\$1,300	\$0	0.0%
12300 -- Subscriptions	\$250	\$250	\$250	\$0	0.0%
<u>13000 - Building & Grounds</u>	<u>\$88,070</u>	<u>\$88,170</u>	<u>\$94,250</u>	<u>\$6,180</u>	<u>7.0%</u>
13100 -- B&G Management	\$0	\$0	\$0	\$0	
13200 -- Penn Place	\$72,450	\$72,200	\$74,500	\$2,050	2.8%
13300 -- Town Hall	\$10,870	\$11,220	\$13,750	\$2,880	26.5%
13400 -- Maintenance Facility	\$1,250	\$1,250	\$1,500	\$250	20.0%
13500 -- Community Center	\$3,500	\$3,500	\$4,500	\$1,000	#N/A
<u>14000 - Town Services</u>	<u>\$215,050</u>	<u>\$216,050</u>	<u>\$230,475</u>	<u>\$15,425</u>	<u>7.2%</u>
14100 -- Roads & Sidewalks	\$55,150	\$55,150	\$67,375	\$12,225	22.2%
14200 -- Stormwater Drainage	\$0	\$0	\$500	\$500	
14300 -- Municipal Refuse	\$128,700	\$128,700	\$130,000	\$1,300	1.0%
14400 -- Arboretum	\$26,500	\$27,500	\$27,250	\$750	2.8%
14500 -- Fees	\$1,600	\$1,600	\$1,600	\$0	0.0%
14600 -- Parks	\$3,100	\$3,100	\$3,750	\$650	21.0%

<u>16000 - Equipment M&R</u>	<u>\$11,475</u>	<u>\$11,025</u>	<u>\$13,025</u>	<u>\$1,550</u>	<u>13.5%</u>
<u>17000 - Publication Expenses</u>	<u>\$750</u>	<u>\$400</u>	<u>\$500</u>	<u>(\$250)</u>	<u>-33.3%</u>
<u>18000 - Conferences & Conventions</u>	<u>\$500</u>	<u>500</u>	<u>4,500</u>	<u>\$4,000</u>	<u>800.0%</u>
<u>19000 - Contingency</u>	<u>\$15,000</u>	<u>0</u>	<u>40,000</u>	<u>\$25,000</u>	<u>166.7%</u>
<u>20000 - Debt Service</u>	<u>\$61,025</u>	<u>61,025</u>	<u>61,625</u>	<u>\$600</u>	<u>1.0%</u>
<u>21000 - Taxes/Bad Debt</u>	<u>\$4,750</u>	<u>4,750</u>	<u>4,750</u>	<u>\$0</u>	<u>0.0%</u>
Total Operating Expense:	\$875,120	\$859,970	\$942,130	\$67,010	7.7%
<u>23000 - To Capital Fund*</u>	<u>\$562,000</u>	<u>632,989</u>	<u>57,250</u>	<u>(\$504,750)</u>	<u>-89.8%</u>
<u>25000 - Transfers</u>	<u>\$0</u>	<u>\$0</u>	<u>\$2,000</u>	<u>\$2,000</u>	
25100 -- Operating Reserve	\$0	\$0	\$0	\$0	
25200 -- Accrued Leave Reserve	\$0	\$0	\$2,000	\$2,000	
Expenses: Budgeted:	\$1,437,120	\$1,492,959	\$1,001,380	(\$435,740)	30.3%

TOWN OF GARRETT PARK
Proposed FY 2013 Budget

Capital Budget

Account	FY 2012	FY 2013	
	Estimated Prior Years' Appropriations Unspent	Ord. 2012-02 Introduced 03/12/2012	Estimated Total Capital Appropriations
	06/30/12		07/01/12
<u>23000 - CAPITAL BUDGET</u>	<u>\$67,329</u>	<u>\$57,250</u>	<u>\$124,579</u>
23100 - Capital Purchases	\$1,000	\$0	\$1,000
23200 - Capital Construction	\$29,571	\$51,000	\$80,571
23210 - Construction: Facilities	\$8,477	\$26,000	\$34,477
23220 - Construction: Streets & Curbs	\$5,510	\$0	\$5,510
23230 - Construction: Utilities	\$0	\$0	\$0
23240 - Construction: Sidewalks	\$15,332	\$0	\$15,332
23250 - Construction: Storm Drains	\$0	\$20,000	\$20,000
23260 - Construction: Parks & Rec.	\$252	\$5,000	\$5,252
23290 - Construction: Other	\$0	\$0	\$0
23300 - Arboretum Capital Expense	\$1,227	\$3,750	\$4,977
23800 - Capital Planning Expense	\$7,701	\$2,500	\$10,201
23900 - Capital Budget Contingency	\$27,830	\$0	\$27,830

Capital Program

Project	FY 2012	FY 2013	
	Estimated Prior Years' Appropriations Unspent	Capital Program	Estimated Total Capital Appropriations
	06/30/12		07/01/12
CAPITAL PROGRAM	\$67,329	\$57,250	\$124,579
Capital Purchases	\$1,000	\$0	\$1,000
Capital Construction	\$29,571	\$51,000	\$80,571
Argyle Curb & Gutter Replacement (FY11,12)	\$2,000	\$0	\$2,000
Cambria Park Playground (FY10)	\$202	\$0	\$202
Cambria Court (FY10,11,13)	\$50	\$0	\$50
Community Center Curb & Gutter (FY12)	\$0	\$0	\$0
Community Center Drainage (FY12)	\$0	\$0	\$0
Kenilworth & Oxford Sidewalks (FY11)	\$2,832	\$0	\$2,832
Kenilworth: Strathmore to Waverley West (FY11,12)	\$0	\$0	\$0
Kenilworth: Strathmore to Waverley East (FY11,12)	\$12,500	\$0	\$12,500
Kenilworth/Waverly Triangle Repairs (FY12)	\$0	\$0	\$0
North Kenilworth Curb Repair (FY11)	\$2,326	\$0	\$2,326
North Kenilworth Drain (FY09, 10)	\$0	\$5,000	\$5,000
Penn Place Exterior Repairs (FY10, 11)	\$66	\$500	\$566
Penn Place Interior Repairs (FY 11)	\$154	\$500	\$654
Penn Place Roof Repairs (FY 11)	\$8,143	\$0	\$8,143
Shelley Court Drain Repairs	\$0	\$5,000	\$5,000
Street Rehabilitation (FY09, 10)	\$1,184	\$0	\$1,184
Storm Drain Evaluation Program (FY13)	New	\$10,000	\$10,000
Town Hall Rear Wall Repairs (FY12)	\$114	\$0	\$114
Town Hall Roof Replacement (FY13)	New	\$25,000	\$25,000
Yeandle Park (FY11)	\$0	\$5,000	\$5,000
Capital Construction - Other	\$0	\$0	\$0
Arboretum Capital Expense	\$1,227	\$3,750	\$4,977
Capital Planning	\$7,701	\$2,500	\$10,201
Capital Contingency	\$27,830	\$0	\$27,830

